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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/062,573	01/30/2002	Tony Qu	60658-300101	1958
22918	7590	07/23/2007		
PERKINS COIE LLP P.O. BOX 2168 MENLO PARK, CA 94026			EXAMINER HASAN, SYED Y	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 07/23/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/062,573

Applicant(s)

QU, TONY

Examiner

Syed Y. Hasan

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 128 is/are pending in the application.
- 4a) Of the above claim(s) 23 - 128 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 4, 6 - 18 and 20 - 22 is/are rejected. *1-4, 10-19, and 21-22*
- 7) ☒ Claim(s) 5 and 19 is/are objected to. *5-9 and 20*
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date See Continuation Sheet.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :10/18/2002, 12/16/2002 and 1/21/2003.

DETAILED ACTION

Response to Restriction/Election

1. Applicant's election of species I (claims 1 – 22) in the reply filed on May 8, 2007 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Specification

2. The disclosure is objected to because of the following informalities:

(1) On page 1 line 6, "60/237,285" should be "60/337,285"

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1 – 4, 10 – 14, 21 and 22 are rejected under 35 U.S.C. 102(a) as being anticipated by Ezaki et al (US 5822425)

Regarding **claim 1**, Ezaki et al discloses, discloses a video encoding method for providing control of an anti-copy protection mechanism for a video program, the video encoding method comprising an act of encoding at least one anti-copy protection code within closed captioning (CC) bandwidth of said video program (col 2, lines 52 – 59)

Regarding **claim 2**, Ezaki et al discloses a video encoding method, said video

encoding method further comprising the act of providing said video program (col 2, lines 43 – 51)

Regarding **claim 3**, Ezaki et al discloses a video encoding method, wherein the act of providing said video program includes the act of authoring content of said video program such that the anti-copy protection encoding can be performed in conjunction with said authoring of content of said video program (col 2, lines 60 – 67)

Regarding **claim 4**, Ezaki et al discloses a video encoding method, wherein in the act of providing said video program includes the act of receiving the video program as previously authored video content (col 2, lines 35 – 42)

Regarding **claim 10**, Ezaki et al discloses a video encoding method, said video encoding method further comprising the act of generating CC data suitable for encoding in said video program (col 2, lines 52 – 59)

Regarding **claim 11**, Ezaki et al discloses a video encoding method, wherein said CC data is encoded into said video program prior to encoding said at least one anti-copy protection code prior (col 2, lines 60 – 67)

Regarding **claim 12**, Ezaki et al discloses a video encoding method, wherein said anti-copy protection codes are inserted into said video program without analyzing said video program to determine whether CC data is encoded therein (col 2, lines 52 – 59)

Regarding **claim 13**, Ezaki et al discloses a video encoding method, wherein said anti-copy protection codes are inserted into least used portions of said CC bandwidth (col 2, lines 60 – 67)

Regarding **claim 14**, Ezaki et al discloses a video encoding method as recited in claim 11, further including the act of analyzing said CC bandwidth of said video program to enable the encoding of said anti-copy protection codes within unused portions of said CC bandwidth (col 4, lines 62 – 67 and col 5, lines 1 – 7)

Regarding **claim 21**, Ezaki et al discloses a video encoding method, wherein the video program is an analog video program (col 9, lines 33 – 37)

Regarding **claim 22**, Ezaki et al discloses a video encoding method, wherein the CC bandwidth utilized is line 21 of the vertical blanking interval (VBI) (col 3, lines 19 – 22)

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 15 - 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ezaki et al (US 5822425) in view of Buynak et al (US 75737417)

Regarding **claim 15**, Ezaki et al does not disclose a video encoding method, wherein said anti-copy protection mechanism provides for multiple levels of anti-copy protection.

On the other hand, Buynak et al, teaches a video encoding method, wherein said anti-copy protection mechanism provides for multiple levels of anti-copy protection

(Abstract, illustrates that a further modification of the value of negative-going horizontal sync pulses provides additional synchronization error in recorded copies of legitimately recorded video material so as to further render such materials effectively non-copiable.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate a video encoding method, wherein said anti-copy protection mechanism provides for multiple levels of anti-copy protection as taught by Buynak et al in the system of Ezaki et al in order to provide additional security for anti-copying protection.

Regarding **claim 16**, Ezaki et al discloses a video encoding method, wherein said multiple levels of anti-copy protection include a first level degrading subsequent copies of said video program (col 9, lines 3 – 7)

Claim 17 is rejected based on claim 16 above.

Claim 18 is rejected based on claim 15 above.

Regarding **claim 19**, Ezaki et al discloses a video encoding method, further including the acts of:

determining certain portions of said video program which require anti-copy protection (col 9, lines 48 – 51)

determining a desired level of anti-copy protection for each of said certain portions of said video program; (col 9, lines 48 – 51)

generating any required anti-copy protection codes (col 8, lines 23 – 25) and inserting anti-copy protection codes within said certain portions of said video program as indicated by the desired level of anti-copy protection (fig 4, col 4, lines 62 – 66)

Allowable Subject Matter

TTG
7/18/07

5-9
7. Claims ~~5~~ and 20 are objected as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims amended to overcome the rejection(s) under 35 U.S.C. 102 set forth in this Office action.

Regarding **claim 5**, the prior art of record fails to teach, disclose or fairly suggest a video encoding method, wherein said anti-copy protection mechanism is activated at least when a frequency of anti-protection encoding within said video program is greater than or equal to a predefined frequency, wherein the act of encoding at least one anti-copy protection code within the closed captioning bandwidth of said video program includes the acts of:

determining certain portions of said video program which do not require anti-copy protection;

generating anti-copy protection codes; and

inserting anti-copy protection codes within CC bandwidth of said certain portions of said video program which do not require anti-copy protection at a frequency greater than or equal to said predefined frequency.

Regarding **claim 20**, the prior art of record fails to teach, disclose or fairly suggest a video encoding method, wherein said anti-copy protection mechanism is activated at least when a frequency of anti-protection encoding within said video program is less than or equal to a predefined frequency, wherein the act of encoding at least one anti-copy protection code within the closed captioning bandwidth of said video

program includes the acts of:

determining certain portions of said video program which do not require anti-copy protection;
generating anti-copy protection codes; and
inserting anti-copy protection codes within CC bandwidth of said certain portions of said video program which do not require anti-copy protection at a frequency greater than or equal to said predefined frequency.

8. Regarding **claims 6, 7, 8 and 9.**

Since claim 5 is allowed, therefore all the dependent claims are also allowed.
Hence claims 6,7,8 and 9 are also allowed.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

Yuen et al (US 6091884) discloses an enhancing operation of video tape cassette players.

Wonfor et al (US 5583936) discloses a video copy protection process enhancement to introduce horizontal and vertical picture distortions.

Ryan (US 5315448) discloses a copy protection for hybrid digital video tape recording and unprotected source material.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed Y. Hasan whose telephone number is 571-270-1082. The examiner can normally be reached on 9/8/5.

Art Unit: 2621

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

S.Y.H.
7/9/2007


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